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Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER
 SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
 NORHTERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC., A California Corporation,)	CASE NO.: 3:10-cv-04611-RS
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL OF CONTINENTAL CASUALTY COMPANY AND NATIONAL FIRE INSURANCE COMPANY OF HARTFORD
vs.)	
WESTCHESTER SURPLUS LINES INSURANCE COMPANY, a Georgia corporation, and DOES 1 through 50, inclusive,)	
Defendants.)	
_____)	
AND RELATED CROSS-ACTIONS)	
_____)	

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendants, Continental Casualty Company (“Continental Casualty”) and National Fire Insurance Company of Hartford “(National Fire”), have agreed and hereby stipulate to the dismissal of Continental Casualty and National Fire from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below

proposed order for dismissal.

IT IS SO STIPULATED.

DATE: December ____, 2012

COLLIAU, ELENUS, MURPHY CARLUCCIO,
KEENER & MORRPW

By: _____
STEPHEN RANDALL
Attorneys for Third-Party Defendants,
CONTINENTAL CASUALTY COMPANY and
NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD

DATE: December 19, 2012

MORALES, FIERRO & REEVES

By: /s/ David Astengo
DAVID A. ASTENGO
Attorneys for Defendant and Third-Party
Plaintiff, WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

[PROPOSED] ORDER OF PARTIAL DISMISSAL

Having reviewed the above stipulation, the Court orders that Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint against Third-Party Defendants, Continental Casualty Company and National Fire Insurance Company of Hartford, be dismissed, with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by this Order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date:


HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California

proposed order for dismissal.

IT IS SO STIPULATED.

DATE: December 19, 2012

COLLIAU, ELENUS, MURPHY CARLUCCIO,
KEENER & MORRPW

By: 
STEPHEN RANDALL
Attorneys for Third-Party Defendants,
CONTINENTAL CASUALTY COMPANY and
NATIONAL FIRE INSURANCE COMPANY
OF HARTFORD

DATE: December 19, 2012

MORALES, FIERRO & REEVES


By: _____
DAVID A. ASTENGO
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Date: 12/19/12


HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California